



# State of New Jersey

DEPARTMENT OF MILITARY AND VETERANS AFFAIRS

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DEPARTMENTAL DIRECTIVE 010.1\*

1 January 2003

## CODE OF ETHICS

The complexity and variety of circumstances to be faced by employees dictate the necessity for a Code of Ethics, as herein documented, in order to meet the specific needs of this Department. The guidelines promulgated have been reviewed and approved by the Executive Commission on Ethical Standards and are in accordance with the provisions of Chapter 182, Public Laws of 1971: The New Jersey Conflicts of Interest Law, N.J.S.A.52:13D-12 et seq.

	<u>PARAGRAPH</u>	<u>PAGE</u>
PURPOSE . . . . .	1	2
APPLICABILITY . . . . .	2	2
REFERENCES . . . . .	3	2
DEFINITIONS . . . . .	4	2
POLICY . . . . .	5	3
RESPONSIBILITIES. . . . .	6	4
USE OF STATE OR FEDERAL PROPERTY. . . . .	7	5
ACCEPTANCE OF GIFTS . . . . .	8	6
CONFLICT OF INTEREST. . . . .	9	9
MISUSE OF OFFICIAL POSITION OR INFORMATION. . . . .	10	12
OUTSIDE EMPLOYMENT AND ACTIVITIES . . . . .	11	12
POST EMPLOYMENT RESTRICTIONS. . . . .	12	15
SPECIAL CASINO-RELATED CONSIDERATIONS . . . . .	13	16
POLITICAL ACTIVITY. . . . .	14	17
NJDMAVA CODE OF ETHICS FOR VENDORS. . . . .	15	19
VIOLATIONS AND SANCTIONS. . . . .	16	20
REPORTING COMPLAINTS ALLEGING VIOLATIONS. . . . .	17	20
APPENDIX 1: Guidelines for Attendance at outside Events/Functions, Acceptance of Honorarium, and Compensation for Published Works . . . . .		21
APPENDIX 2: NJDMAVA Form 010.1-2, Employee's Certification of Outside Employment/ Business/Activities or License Held. . . . .		26
APPENDIX 3: NJDMAVA Form 010.1-3, Request For Attendance At Outside Events . . . . .		28
APPENDIX 4: NJDMAVA Form 010.1-4, Code of Ethics For Vendors . . . . .		29

\* This directive supersedes Departmental Directive No. 010.1 dated 15 May 1998

1. PURPOSE:

a. To state the Code of Ethics policy for the New Jersey Department of Military and Veterans Affairs (NJDMAVA).

b. This Code is intended to compliment the New Jersey Conflicts of Interest Law (N.J.S.A. 52:13D-12 et seq.) and to establish the general standards of conduct necessary for the proper and efficient operation of the Department. It is also intended to supersede all previous codes of ethics.

2. APPLICABILITY:

a. This Code of Ethics shall apply to all New Jersey State employees of NJDMAVA. In addition, it also applies to all individuals, firms, and corporations who do business with this Department.

b. Federal civilian employees of this Department (Full Time Support Force) are governed by the provisions of NJDMAVA TPR700 (735-2) STANDARDS OF CONDUCT FOR NATIONAL GUARD TECHNICIANS.

c. Members of the New Jersey National Guard who are on active duty under orders issued pursuant to title 10, United States Code or performing official duties, including while on inactive duty for training, or while earning retirement points, pursuant to title 10, United States Code, or while engaged in any activity related to the performance of a Federal duty or function are governed by the provisions of DEPARTMENT OF DEFENSE DIRECTIVE 5500.7-R.

3. REFERENCES:

a. N.J.S.A.52:13D-12 et seq.(New Jersey Conflicts of Interest Law)

b. N.J.A.C.19-61 et seq. (Executive Commission On Ethical Standards)

4. DEFINITIONS:

a. Code: This Code of Ethics.

b. Employee: Any person holding an office or employed by the NJDMAVA and its subordinate organizations and operations.

c. Ethics Liaison Officer: The individual designated by The Adjutant General, NJDMAVA, as the Departmental Liaison to the New Jersey Executive Commission on Ethical Standards.

d. Special State Officer or Employee:

(1) Any person holding an office or employment in a State agency, excluding an interstate agency, for which office or employment no compensation is authorized or provided by law, or no compensation other than a sum in reimbursement of expenses, whether payable per diem or per annum, is authorized or provided by law or;

(2) Any person, not a member of the legislature, holding a part-time elective or appointive office or employment in a State agency, excluding an interstate agency.

e. State Officer or Employee: Any person, other than a special State officer or employee holding an office or employment in a State agency, excluding an interstate agency, other than a member of the legislature or appointed as a New Jersey member to an interstate agency.

f. Immediate Family: The employee's spouse, child, parent, sibling, or other relative residing in the same household.

g. Vendor: Any person, firm, corporation, or any other entity which provides or offers to provide goods or services to, or perform any contract for any State agency.

5. POLICY:

a. The NJDMAVA, as a Department of State Government exists to serve the public interest. All employees must therefore conduct themselves in the course of their duties so as to hold the respect, trust and confidence of the public. They must avoid any activity or association which is, or appears to be, a violation of the public trust.

b. To maintain public trust and confidence, this Code of Ethics is adopted. Its purpose is to inform Department employees of the standards of conduct and the responsibilities that govern them.

c. This Code of Ethics differentiates among three types of activities that could potentially undermine public trust and confidence in the Department.

(1) Activities that so clearly constitute a conflict of interest and violation of public trust that are expressly prohibited.

(2) Activities that may give rise to questions about an employee's integrity. Although the employee may have done no wrong, he or she is under an obligation to report such

activities to the Department's Ethics Liaison Officer. For example, the receipt of an offer of a bribe or gift.

(3) Activities that may appear to give rise to a conflict of interest. Employees are required to notify the Department's Ethics Liaison Officer and, in some cases, obtain permission before engaging in such activities. For example, receiving an invitation to an event from someone doing business with the Department.

d. In any instance where the employee is not certain what the standard of conduct should be, the employee should seek the advice of the Department's Ethics Liaison Officer in order to avoid the possibility of violating this Code.

## 6. RESPONSIBILITIES:

a. Ethics Liaison Officer: Appointed by The Adjutant General, NJDMAVA, as liaison to the Executive Commission on Ethical Standards to:

(1) Assist the Executive Commission on Ethical Standards in its mandate to enforce the Conflicts of Interest Law and to monitor post-employment restrictions.

(2) Oversees the filing of and reviews all conflict of interest forms submitted by Departmental employees.

(3) Gathers pertinent information in matters requiring substantiation or fact-finding in order to render or recommend informed decisions.

(4) In other than routine inquiries or mundane cases, refers all preliminary decisions to the Executive Commission for final approval.

### b. Director of Personnel, NJDMAVA:

(1) Shall insure that each employee and each new employee receives a copy of this Code of Ethics. That each employee signs a receipt indicating the date on which the Code was received and an acknowledgment that the employee is responsible for reading the Code and is bound by it.

(2) Shall maintain the receipt in the employee's personnel file.

c. Employees: Are required to notify the Department's Ethics Liaison Officer and in some cases obtain permission prior to engaging in activities such as: outside employment, accepting an invitation to an event from someone doing

business with the Department, or running for political office. In order to avoid the possibility of violating the Department's Code of Ethics the employee can seek clarification of the Code's provisions from the NJDMAVA Ethics Liaison Officer or from the Executive Commission on Ethical Standards.

7. USE OF STATE OR FEDERAL PROPERTY:

a. An employee shall use Department or Federal property, equipment and funds under his or her official control in strict accordance with prescribed procedures and not for personal gain or use.

b. No Department employee shall use the facilities, personnel, or equipment of any State Veterans' home or medical facility for any purpose which is not connected with their official Departmental responsibilities, including but not limited to, the examination, treatment and counseling of patients or clients other than those regularly admitted, and State employees entitled to certain services.

c. Department employees shall not be directed to type personal communications, make personal phone calls or run personal errands.

8. ACCEPTANCE OF GIFTS:

a. This paragraph covers gifts, loans, services, discounts, gratuities or anything of monetary value that are made directly or indirectly to an employee. Made indirectly means to an employee's relative or organization designated by the employee. Relative refers to the immediate family of an employee or the immediate family of the employee's spouse.

b. The acceptance of any gifts, preferential loans, services at preferential rates, discounts, gratuities or anything of a monetary value from a person or organization doing business with the Department or the granting of special treatment or favors to such persons or organizations for the purpose of obtaining personal gain, is a conflict of interest. Under this paragraph, the term person includes employees or agents of organizations doing business with the Department or seeking to influence official actions.

c. Examples of gifts include cash, liquor, food, personal or household goods, use of cars, lodging and other favored treatment. This paragraph also includes a special prohibition, with the limited exception of sub-paragraph 8j below, against the acceptance of beverages or entertainment from persons or firms doing business with the Department or

contemplating doing business with it or seeking to influence official actions.

d. It is the policy of NJDMAVA that no employee shall accept any gift or other item of value from any firm, organization, association or individual doing business with the Department or those that could reasonably be expected to do business with the Department.

e. Any gift or other item of value offered by or received from a person, firm or corporation that a Department officer or employee has contact with in his or her official capacity must be reported and remitted immediately to the Department's Ethics Liaison Officer who shall then make a determination as to whether or not the gift, favor, employment, or offer of employment, or other things of value can be accepted. The report shall clearly describe the gift, identify the donor and set forth the circumstances under which the gift was offered.

f. It is not necessary to notify the Department's Ethic Liaison Officer upon receipt of unsolicited gifts or benefits of a trivial or nominal value, such as complimentary pens or pencils, offered to the general business public through mass mailings. Note, however, that if a gift or benefit of a nominal value does create an impression of a conflict of interest or a violation of a public trust, it cannot be accepted but must be transmitted to the Ethics Liaison Officer for return to the sender.

g. With respect to the acceptance or the solicitation of any gift, favor, service at preferential rates, employment, offer of employment or any other thing of value, all employees are subject to the provisions of N.J.S.A.52:13D-24, which provides as follows:

No State officer or employee, special State officer or employee, or member of the Legislature shall solicit, receive or agree to receive, whether directly or indirectly, any compensation, reward, employment, gift or other thing of value from any source other than the State of New Jersey for any service, advice, assistance or other matter related to his or her official duties, except as reasonable fees for speeches or public works on matters within his or her official duties and except, in connection therewith, reimbursement of actual expenditures for travel and reasonable subsistence for which no payment or reimbursement is made by the State of New Jersey (N.J.S.A. 52:13D-24).

h. Reasonable fees for speeches or published works on matters with his or her official duties and reimbursements for actual expenditures connected therewith for travel and reasonable subsistence, which are not paid by the Department, may be accepted only after approval by the Ethics Liaison officer.

i. Except as noted elsewhere, employees are responsible for full payment of the costs of their meals, beverages, lodging, travel and entertainment and may not accept the same from any entity, person, partnership or corporation doing business with the Department, contemplating such business, or seeking to influence official actions.

j. Any employee who receives an invitation to any business related function (a conference, ground breaking, ribbon cutting, meal, open house, cocktail party, fund raiser, holiday party, or other social function or appearance involving honorarium, etc.) from or with a firm or person doing business with the Department or contemplating doing business with the Department, should report the invitation to the Department's Ethics Liaison Officer with a copy to his supervisor. A determination (in consultation with the appropriate persons) will be made and the employee notified accordingly. See Appendix No. 1 for detailed information and procedures with regard to employee attendance at outside events/functions.

k. Guidelines regarding Retirement gifts: Typically, retirement functions comprise a get-together, with or without a meal and the presentation of a gift or monetary token to the retiree, to his or her spouse, and/or to his or her dependents(s). In planning such events, the responsible group or individual must choose between the two approved alternatives with regard to funding and the value of any and all gifts to be presented. These are:

(1) Gifts may be funded by a maximum contribution of \$5 per person, collected from invitees to the retirement function. If this method of funding is used, no maximum value is set for the cost of the gifts, but contributions of more than \$5 per invitee are not permitted.

(2) The maximum value of retirement gifts cannot exceed \$1,000. If this method is used, there is no maximum set on individual contributions, but the total value of retirement gifts and/or monetary tokens to the retiree, spouse, and dependent(s) cannot exceed \$1,000. If instead of presenting gifts and/or monetary tokens to the retiree, spouse, and dependent(s), a decision is made to make a monetary contribution to a qualified non-profit organization (under I.R.S.Code501(c)(3), no limit is placed on the maximum value of the contribution.

## 9. CONFLICT OF INTEREST:

### a. General:

(1) A Department employee shall not have any interest, financial or otherwise, direct or indirect, or engage in any business, transaction or professional activity that is in conflict with the proper discharge of his or her duties.

(2) Department employees shall not refer clients/patients/residents seen in their public capacity to their private practice, group, association or business.

(3) No Department employee should knowingly act in any way that might reasonably be expected to create an impression or suspicion among the public that he or she may be engaged in conduct violative of his or her trust as a State officer or employee.

b. CONTRACTING WITH THE STATE:

(1) Except as provided in paragraph 9b(3) below, the Conflicts of Interest Law prohibits an employee from knowingly undertaking or executing (in whole or in part) any contract, agreement, sale or purchase of the value of \$25 or more that is made, entered into, awarded or granted by any State agency. Special State officers and employees are only prohibited from such contracting activities involving their own agency if they have responsibilities in connection with the purchase or acquisition of property or services by the State agency where they are employed or hold an office unless the provisions of paragraph 9b (3) below applies.

(2) The above prohibition also extends to partners and business associates. An employee is prohibited from executing an agreement of sale with a State agency through any corporation in which he or she owns or has control of more than 1% of the stock. Similarly, an employee is prohibited from using any other person to execute an agreement or sale with a State agency for his or her own use or benefit. (See N.J.S.A.52:13D-19)

(3) The New Jersey Conflicts of Interest Law exempts only three categories of contracts from the general prohibition. Before entering into a contract falling within any of these categories, approval must be obtained from the Executive Commission on Ethical Standards through the Department's Ethics Liaison Officer. The three categories of contracts are:

(a) Those purchases, contracts, agreements or sales that are made after public notice and competitive bidding.

(b) Those that may be awarded without public advertising and competitive bidding pursuant to Section 5 of Chapter 48 of the Laws of 1944 (N.J.S.A.52:34-10) or such other similar provisions contained in the public bidding laws or regulations applicable to other State agencies.



(c) Any contract of insurance entered into by the Director of the Division of Purchase and Property, Department of The Treasury, pursuant to Section 10 of Article 6 of Chapter 112 of the Laws of 1944 (N.J.S.A.52:27B-62).

(4) The Law states that no employee shall act as an officer or agent for a State agency for the transaction of any business with a corporation, company, association or firm in the pecuniary profits of which he or she has an interest (except that ownership or control of 10% or less of the stock of a corporation shall not be deemed an interest within the meaning of the Law). There is also a rule of common Law that no government official or employee may act in a manner in which he or she has a direct or indirect interest. (See N.J.S.A.52:13D-20)

(5) No State Officer or employee of DMAVA shall represent, appear for, or negotiate on behalf of or agree to represent, appear for, or negotiate on behalf of, whether by himself or herself or by or through any partnership, firm or corporation in which he or she has an interest or by any partner, officer or employee of any such partnership, firm or corporation any person or party other than the State in any negotiations for the acquisition or sale by the State or a State agency of any interest in real or tangible or intangible personal property, or in any proceedings relative to such acquisitions or sale before a condemnation commission or court; provided, however, nothing contained in this section shall be deemed to prohibit any person from representing himself or herself in negotiations or proceedings concerning his or her own interest in real property. (See N.J.S.A.52:13D-15)

c. Appearances before the State/Departments

(1) State Officers or employees are specifically prohibited from either agreeing to, or in fact representing, appearing for, or negotiating on behalf of any person or party, other than the State, in connection with any cause, proceeding, application or other matter pending before any State agency other than those listed below. Special State officers or employees are prohibited from the above activities only in connection with any cause, proceeding, application or other matter pending before the particular office, bureau, board, council, commission, authority, agency, fund or system in which the special Department employee or officer holds office or employment. This prohibition extends to any partnership, firm or corporation in which the State officer or employee has an interest.

(2) Nothing contained in this paragraph shall be deemed to prohibit any State officer or employee or special

State officer or employee from representing, appearing for or negotiating on behalf of, or agreeing to represent, appear for, or negotiate on behalf of, any person or party other than the State in connection with any proceeding:

- (a) Pending before any court of record in this State.
- (b) In regard to a claim for compensation arising under chapter 15 of Title 34 of the Revised Statutes (Workers Compensation).
- (c) In connection with the determination or review of transfer inheritance or estate taxes.
- (d) In connection with the filing of corporate or other documents in the office of the Secretary of State.
- (e) Before the Division of Civil Rights or any successor thereof.
- (f) Before the New Jersey State Board of Mediation or any successor thereof.
- (g) Before the New Jersey Public Employment Relations Commission or any successor thereof.
- (h) Before the Unclassified Claim and Judgment Fund Board or any successor thereof solely for the purpose of filing a notice of intention.
- (i) Before any State agency on behalf of a county, municipality or school district, or any authority, agency, or commission of any thereof except where the State is an adverse party in the proceedings and provided he or she is not holding any office or employment in the State agency in which the proceeding is pending.

10. MISUSE OF OFFICIAL POSITION OR INFORMATION:

a. No employee shall use or attempt to use his or her official position with the Department to secure unwarranted privileges or advantages for himself, herself or others.

b. No employee shall use confidential information (information not available to the public) obtained in his or her work within the Department to further his or her private interests or the interests of others.

11. OUTSIDE EMPLOYMENT AND ACTIVITIES:

a. Employment and Activities Prohibited:

(1) No employee shall accept employment or render services for any private or public interest when that employment or service is incompatible or in conflict with the discharge of his or her official duties or when the employment may tend to impair his or her objectivity or independence of judgment in the performance of such duties. In addition, the hours of outside employment may not conflict with work hours needed for the discharge of official duties.

(2) No Department employee shall act in his or her official capacity in any matter wherein he or she has a direct or indirect personal interest that may reasonably be expected to impair his or her objectivity or independence of judgment. (See N.J.S.A.52:13D-23(e)(4))

b. Approval for All outside Employment:

(1) All Employee outside employment whether compensated or not must be disclosed in writing on NJDMAVA Form No. 010.1-2 (Employee's Certification of Outside Employment/Business/Activities Or License Held) prior to being undertaken and is subject to Department approval. Furthermore, pursuant to N.J.A.C.19:61-2.2(b), all outside employment disclosures must be forwarded to the Executive Commission On Ethical Standards for review.

(2) Service for any other State, county, regional or municipal government body, agency, commission, department or board whether compensated or not is also considered to be employment. In order to be approved, outside employment must be limited in scope so as to avoid the potential for having any dealings with entities, individuals, subsidiaries or affiliates who have or who are likely to have business dealings with the Department. In this regard, business dealings include direct dealings as a contractor or vendor and indirect dealings as a subcontractor, architect, engineer, accountant, attorney, or any other role.

(3) It is the policy of the Department to encourage employee growth through participation in outside professional organizations. Employees participating in such organizations should not, however, utilize State equipment and time for professional organizational activities that are not related to their jobs and not approved by supervision. Furthermore, when participating in professional organizations employees should ensure that there is no conflict of interest or barrier to the fulfillment of their Departmental duties and responsibilities.

(4) Outside voluntary activities which do not pose a conflict of interest with Department employment (e.g., CYO Director or Little League coach) need not be reported.

c. Notification of Relative's Employment: All employees are required to notify the NJDMAVA Ethics Liaison Officer regarding any relative employed by a contractor, consultant, vendor or any other company or firm doing business with the Department. Such notice shall be provided in writing on NJDMAVA Form No. 010.1-2.

d. Notification of License:

(1) An employee licensed by a specific agency of the State government to engage in any particular business, profession, trade, or occupation shall disclose that information on the NJDMAVA Form No. 010.1-2 and submit same to the NJDMAVA Ethics Liaison Officer.

(2) By law, this notification will be forwarded to the Executive Commission on Ethical Standards for review. Such licenses shall include, but are not limited to those for accountants, architects, attorneys, electricians, insurance brokers, land surveyors, plumbers, professional engineers and planners, real estate agents and brokers.

e. All employees must disclose any outside employment, business or financial relationships with other NJDMAVA employees, particularly subordinates or supervisors in their chain of command.

f. Circulation of Resumes By Employees:

(1) Employees of NJDMAVA who have direct and substantial contact with any vendor doing business with the Department must refrain from circulating resumes or in any manner seeking employment with that vendor until such contact ceases. If an employee is solicited for potential employment by a vendor with which he or she has direct and substantial contact, that solicitation must be disclosed immediately to the employee's management and to the NJDMAVA Ethics Liaison Officer to avoid violation of the Conflicts of Interest Law. With regard to the above, direct and substantial contact means;

(a) Participation in selecting, negotiating or determining the scope of a contract with a vendor, including change orders.

(b) Responsibility for monitoring and approving the work of a contracted vendor.

(2) Employees are not prohibited from soliciting employment (circulating resumes, engaging in formal discussions involving an offer, etc.) with vendors when they do not have a contact as described above. Employees are

cautioned, however, that discussions, interviews, and negotiations shall not take place on State time.

(3) If any employee has any question as to the propriety of soliciting or discussing employment with any particular vendor he or she should contact the Department's Ethics Liaison Officer before proceeding.

g. Questions on outside employment may be referred to the Department's Ethics Liaison Officer.

## 12. POST EMPLOYMENT RESTRICTIONS:

a. An employee, officer and special officer of the Department is subject to the provisions of the New Jersey Conflicts of Interest Statute (N.J.S.A.52:13D-17), which states:

No State officer or employee or special officer or employee, subsequent to the termination of his or her employment in any State agency, shall represent, appear for or negotiate on behalf of, or provide information not generally available to members of the public or services to, or agree to represent, appear for, or negotiate on behalf of, or provide information not generally available to members of the public or services to, whether by himself or herself or through any partnership, firm or corporation in which he or she has an interest or through any partner, office or employee thereof, any person or party other than the State in connection with any cause, proceeding, application or other matter with respect to which such State officer or employee or Special State officer or employee shall have made any investigation, rendered any ruling, given any opinion or been otherwise substantially and directly involved at any time during the course of his or her office or employment. Any person who willfully violates the provisions of this section is a disorderly person and shall be subject to a fine not to exceed \$500 or imprisonment not to exceed 6 months, or both.

b. Direct and substantial involvement, as stated in this statute, may exclude persons who have been engaged in a cause, issue or project, on a routine, non-decision basis.

c. Questions concerning possible post-employment conflicts should be addressed to the Department's Ethics Liaison Officer prior to termination of employment.

## 13. SPECIAL CASINO-RELATED CONSIDERATIONS

a. Concurrent Employment Restrictions: No State officer or employee, nor any person, nor any member of their

immediate families, or any partnership, firm or corporation with which any Department officer or employee is associated or in which he or she has an interest, or any partner, officer, director or employee or person while he or she is associated with such partnership, firm or corporation, shall hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of any holder of or applicant for a casino license, or any holding or intermediary company with respect thereto, in connection with any cause, application or matter, except that (1) a State officer or employee other than a State Officer or employee included in the definition of a person, and (2) a member of the immediate family of a State officer or employee, or of a person may hold employment with the holder of, or applicant for, a casino license if, in the judgment of Executive Commission on Ethical Standards, the joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not interfere with the responsibilities of the State officer or employee, and will not create a conflict of interest, or reasonable risk of the public perception of a conflict of interest on the part of the State officer, employee, or person. (See N.J.S.A.52:13D-17.2(b))

b. Post-Employment Casino Restrictions: No employee of the Department who is subject to financial disclosure by law or executive order or who has responsibility for matters effecting casino activity, or any members of his or her immediate family, or any partnership, firm or corporation with which such person is associated or in which he or she has an interest, or any partner, officer, director or employee while he or she is associated with such partnership, firm or corporation, shall within two years next immediately following termination of the office or employment of such person, hold, directly or indirectly, an interest in, or hold employment with, or represent, appear for or negotiate on behalf of any holder of, or applicant for a casino license in connection with any cause, application or matter of any holding or intermediary company with respect to such holder of, or applicant for, a casino license in connection with any phase of casino development permitting, licensure or any other matter whatsoever related to casino activity, except that: (See N.J.S.A.52:13D-17.2(c))

(1) A member of the immediate family of a person may hold employment with the holder of, applicant for, a casino license if, in the judgment of the Executive Commission on Ethical Standards, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not interfere with the responsibilities of the person and will not create a conflict of interest, or a reasonable risk of the public perception of a conflict of interest, on the part of the person; and

(2) An employee who is terminated as a result of a reduction in the workforce at the agency where employed, other than an employee who held a policy-making management position at any time during the five years prior to termination of employment, may, at any time prior to the end of the two year period, accept employment with the holder of, or applicant for, a casino license if, in the judgment of the Executive Commission on Ethical Standards, the Joint Legislative Committee on Ethical Standards, or the Supreme Court, as appropriate, such employment will not create a conflict of interest, or a reasonable risk of the public perception of a conflict of interest, on the part of the employee.

c. Expiration: In the event that the Legislature repeals or suspends Section 4 of P.L. 1981 c. 142 (C. 52:13D-17.2), in whole or in part, the companion sections of this code shall, to the same extent, be deemed repealed or suspended and of no effect.

#### 14. POLITICAL ACTIVITY:

##### a. Definitions:

(1) Elective Office: Shall mean any office that is voted upon at a primary, special or general election, but does not include political party office.

(2) Employee: Shall mean any person holding an office or employment within NJDMAVA.

(3) Nonpartisan Election: Shall mean an election where none of the candidates are representing a party any of whose candidates for Presidential elector received votes in the last Presidential election at which Presidential electors were selected.

(4) State Officer or Employee: Shall mean for purpose of Hatch Act coverage an individual employed by a State or local agency whose principal employment is in connection with an activity that is financed in whole or part by loans or grants made by the United States or a Federal agency, but does not include:

(a) An individual who exercises no functions in connection with that activity; or

(b) An individual employed by an educational or research institution, establishment, agency or system that is supported in whole or in part by a State or political subdivision thereof, or by a recognized religious, philanthropic or cultural organization.

b. New Jersey Department of Personnel regulations requires that an employee shall not directly or indirectly use or seek to use his or her authority or influence of his or her position to control or modify the political action of another person. An employee during the hours of duty shall neither engage in political activity; nor shall he or she at any other time participate in political activities so as to impair usefulness in the position in which he or she is employed. A State employee retains the right to vote as he or she chooses and to express his or her opinions on political subjects and candidates.

c. Hatch Act Prohibitions:

(1) There are certain constraints on the political activity of State employees covered by the Hatch Act. Under the Hatch Act, Executive branch employees in any State agency whose principle employment is in connection with an activity financed in whole or in part by Federal loans or grants:

(a) May be a candidate for public office in a nonpartisan election.

(b) May campaign for and hold elective office in political clubs and organizations.

(c) May actively campaign for candidates for public office in partisan and nonpartisan elections.

(d) May contribute money to political organizations or attend political fund raising functions.

(e) May participate in any activity not specifically prohibited by law or regulation.

(f) May not be a candidate for public office in a partisan election.

(g) May not use official authority or influence for the purpose of interfering with or effecting the results of an election or a nomination for office.

(h) May not directly or indirectly coerce contributions from subordinates in support of a political party or candidate.

(2) A violation on the part of an employee may possibly subject such employee to criminal prosecution under the Department of Personnel statutes and may be cause for removal or a loss of Federal loans or grants to the Department.



(3) Questions in this regard may be referred to the NJDMAVA Ethics Liaison Officer.

15. NJDMAVA CODE OF ETHICS FOR VENDORS: The NJDMAVA Code of Ethics For Vendors shown at APPENDIX No. 4 shall be made part of each Request For Proposal (RFP) developed by this Department and be attached to every contract and agreement to which NJDMAVA is a party. When appropriate language appears on New Jersey Division of Purchase and Property Request for Proposals (RFP) and Agency Purchase Orders (APO) there is no need to provide a copy of the NJDMAVA Code of Ethics.

16. VIOLATIONS AND SANCTIONS:

a. Any Department employee found guilty by the Executive Commission on Ethical Standards of a violation of any provision of the Conflicts of Interest Law is subject to be fined, and may be suspended from his or her office or employment by order of the Commission. If the Commission finds that the conduct of the employee constitutes a willful and continuous disregard of the provisions of the Conflicts of Interest Law or of a code of ethics promulgated pursuant to the provisions of this law, it may order such person from holding any public office or employment and may further bar such person from holding any public office or employment in this State in any capacity whatsoever for a set period of time. These penalties may be in addition to any other punishment provided by law. Specific penalties and standards for removal from office can be found at N.J.S.A.52:13D-21.

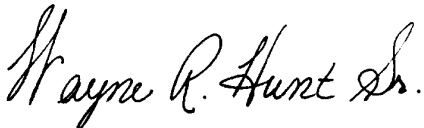
b. In addition to the above, NJDMAVA employees who violate this Code of Ethics are subject to disciplinary action by the Department as detailed in Departmental Directive No. 230.05.

17. REPORTING COMPLAINTS ALLEGING VIOLATIONS:

Employees wishing to file a complaint regarding an alleged violation should prepare a memorandum/letter describing the incident(s) and forward it to the NJDMAVA Ethics Liaison Officer.

(IASD)

OFFICIAL:



GLENN K. RIETH  
Brigadier General, NJARNG  
The Adjutant General

1 Jan 03

DD 010.1

WAYNE R. HUNT, SR.  
LTC, IN, NJARNG  
Director, IASD/Chief Information Officer

DISTRIBUTION: A, A1, A2, B, C, D, E, F

## APPENDIX 1

GUIDLINES FOR ATTENDANCE AT OUTSIDE EVENTS/FUNCTIONS,ACCEPTANCE OF HONORARIUM, AND COMPENSATION FOR PUBLISHED WORKS1. GENERAL:

a. During the course of their careers many State employees, at one time or another, are invited to events or functions sponsored by persons or groups working outside State government. Recognizing that attendance at these types of functions could present a potential for an actual or perceived conflict of interest the following guidelines are hereby provided.

b. These invitations, extended to the State employee because of his or her government position, must be carefully reviewed and approved by the Department's Ethics Liaison Officer prior to attendance to avoid any possible ethics conflict.

2. DEFINITIONS:

a. Direct Benefit: Acceptance by a State employee from the sponsor of an event or any other person of travel, meals, accommodations, waiver of conference or event fee or any other costs associated with attending the event for which no payment is made by the State but is not intended to mean nominal refreshments such as nonalcoholic beverages and snacks (doughnuts, pastries and cookies).

b. Event: A meeting, conference, seminar, speaking engagement, symposium, training course, ground breaking, ribbon-cutting, meal, open house, cocktail party, fund-raiser, holiday party, social function, or similar event that takes place away from the State employee's work location, is sponsored or co-sponsored by a non-State government source and the invitation for which is extended to the State employee because of his or her official position.

c. Indirect Benefit: Acceptance by a State employee from the event sponsor or any other person of reimbursement for costs of travel, meals, accommodations, event fees, or any other costs associated with attending the event for which no reimbursement is made by the State but is not intended to mean nominal refreshments such as non-alcoholic beverages and snacks (doughnuts, pastries and cookies).

d. Interested Party:

(1) Any person, or employee, representative or agent thereof, who is or may reasonably be anticipated to be subject to the regulatory, licensing or supervisory authority of the State employee's agency;

(2) Any supplier, or employee, representative or agent thereof;

(3) Any organization that advocates or represents the position of its members to the State employee's agency; or

(4) Any organization a majority of whose members are as described in paragraphs 2d (1) through (3) above.

e. Published Work: Any tangible medium of expression, including, but not limited to, literary, pictorial, graphic and sculptural matter; sound recordings; and software.

### 3. THE APPROVAL PROCESS:

a. In determining whether employee attendance at an outside event or function is appropriate, it is necessary for the Department to evaluate whether attendance serves a legitimate State purpose. Considerations which are relevant to this determination generally include, but are not limited to:

(1) The purpose of the event or function (meeting, conference, seminar, speaking engagement, symposium, training course, ground breaking/ribbon-cutting ceremony, meal, open house, cocktail party, fund-raiser, holiday party, social function).

(2) The identity of the sponsor (NJDMAVA contractor, consultant, supplier, trade organization, professional association, etc.) and/or other participants.

(3) Whether attendance/participation will assist the NJDMAVA employee in carrying out his or her official duties and will support the Department's mission.

(4) The monetary value and character of the costs, benefits and/or honoraria provided by the sponsor, including whether the costs, benefits and/or honoraria are comparable to those offered to or purchased by other attendees.

b. Any employee who desires to attend an event (as defined in para 2b above) which arises out of and/or is related to his or her official duties must first complete and submit to the NJDMAVA Ethics Liaison Officer NJDMAVA Form 010.1-3 (Request For Approval For Attendance At Event). The employee will be notified of the decision rendered by the Ethics Liaison Officer, in writing, shortly thereafter.

4. ATTENDANCE AT AN EVENT SPONSORED BY AN INTERESTED PARTY:

a. The State employee shall secure prior approval as required in para 3 above.

b. Except as provided in para c. below:

(1) The State shall pay the reasonable expenses of the State employee associated with attending the event.

(2) Neither the State employee nor the State shall receive any direct or indirect benefit from any other source.

c. The requirement and prohibition in sub-paragraph b. above need not apply if the event is designed to provide training, dissemination of information, or the exchange of ideas and the State official is delivering a speech, is participating in a panel at the event or is an accompanying resource person for the speaker and/or participant subject to the reasonable approval of the Adjutant General. The direct or indirect benefit provided to the State employee by the sponsor of the event must be identical to the benefits provided to other speakers or panel participants. If an actual conflict or the appearance of conflict could arise under the application of this sub-paragraph, sub-paragraph b. above shall govern.

d. The State employee may pay his or her own expenses with his or her personal funds.

e. The State employee shall not accept an honorarium or fee for a speech or presentation at an event covered by this paragraph.

5. ATTENDANCE AT AN EVENT SPONSORED BY AN ENTITY OTHER THAN AN INTERESTED PARTY:

a. The State employee shall secure prior approval as required in paragraph 3 above.

b. The State may pay the reasonable expenses of the State employee associated with attending the event or may permit the State employee to accept direct or indirect benefits.

c. An interested party shall not provide a direct or indirect benefit to the State employee in order to facilitate his or her attendance.

d. A State employee making a speech or presentation at the event may accept an honorarium or fee from the sponsor.

e. Under no circumstances shall a State employee accept entertainment collateral to the event, such as a golf outing, or meals taken in other than a group setting with all attendees, or reimbursement therefor.

6. USE OF OFFICIAL TITLE FOR PRIVATE FUND RAISING: A State employee shall not permit the use of his or her official title for the purpose of fundraising for a private organization.

7. COMPENSATION FOR PUBLISHED WORKS:

a. A State employee shall not accept compensation for published work(s) created as part of his or her official duties on State time utilizing State resources, but may accept compensation for published works not created as part of his or her official duties.

b. A State employee shall secure the permission of the Adjutant General to accept compensation for published works not created as part of his or her official duties.

c. The State employee shall not use his or her official title in any way in soliciting compensation and shall indicate that his or her views do not represent those of the State.

## APPENDIX 2

Employee's Certification of Outside Employment /  
Business/Activities or License Held**NEW JERSEY DEPARTMENT OF MILITARY AND VETERANS AFFAIRS**

## EMPLOYEE'S CERTIFICATION OF OUTSIDE EMPLOYMENT / BUSINESS / ACTIVITIES OR LICENSE HELD

## Instructions:

Read and complete both sides of this form. **PLEASE PRINT.**  
For questions, contact the Department's Ethics Liaison Officer.  
Attach additional sheets if more space is required

**SECTION I - TO BE COMPLETED BY EMPLOYEE**

1. Name of Employee (Please Print) LAST / FIRST / INITIAL		2a. Official Title	2b. Functional Title (if different)
3a. Division / Bureau		4. Address At Official Work Station	
5. Phone number			
6. Reason for submission of form: (Please check one of the following) <div style="margin-top: 5px;"> <input type="checkbox"/> a. Request for approval of outside employment.           <input type="checkbox"/> b. First Notification of Licensing by a State / Municipal / County Agency.           <input type="checkbox"/> c. A change in circumstances since submission of previous certification form.           <input type="checkbox"/> d. Submitted at the request of management.         </div>		7. Are you engaged in any service, work or profession outside of NJDMAVA from which you receive any income or other considerations? <div style="margin-top: 5px;"> <input type="checkbox"/> NO (If "NO", complete items 9 thru 13)           <input type="checkbox"/> YES (If "YES", complete items 8 thru 13)         </div>	
8a. Do you (circle one, if applicable) <u>have</u> , or <u>anticipate having</u> , any outside employment or business while employed with DMAVA? <input type="checkbox"/> NO <input type="checkbox"/> YES (if "YES", complete the following):			
8b. Name of Employer or Business: _____			
8c. Address: _____			
8d. Type of Business: _____			
8e. Title or Position Held: _____			
8f. Duties Required: _____			
8g. Hours of State Employment: Starting Time: _____ Ending Time: _____			
8h. Hours of Outside Employment: Starting Time: _____ Ending Time: _____			
8i. Average Hours: Per Day _____ Per Week _____ Per Month _____			
8j. This employment is: <input type="checkbox"/> Year Round <input type="checkbox"/> Seasonal (From _____ to _____)			
8k. This employment is expected to last: <input type="checkbox"/> Indefinitely <input type="checkbox"/> Temporary (From _____ to _____)			
8l. Is your outside employment or business being performed for or with any DMAVA employee or official? <input type="checkbox"/> NO <input type="checkbox"/> YES If "YES", provide name and title of individual you are associated with in your outside employment or business: Name of Employee / Official and Title _____			
8m. Does your outside employment or business require / cause you to have contacts with other NJ State agencies or DMAVA vendors or consultants? <input type="checkbox"/> NO <input type="checkbox"/> YES If "YES", explain on separate sheet.			
9. Do you hold a license to practice law, medicine, engineering, accounting, or to conduct a trade such as plumbing, electrical, real estate, etc.? <input type="checkbox"/> NO <input type="checkbox"/> YES If "YES", describe type of license: _____			
10. Do you (circle one, if applicable) <u>hold</u> , <u>anticipate holding</u> , or are you <u>a candidate</u> for any elective or appointed position in a political sub-division or agency or instrumentality thereof? <input type="checkbox"/> NO <input type="checkbox"/> YES (if "YES", check one) <input type="checkbox"/> Partisan <input type="checkbox"/> Non-Partisan			
10a. What is the type of elective / appointive position? _____			
10b. What are your duties? _____			
10c. Hours engaged in political activity: Per day _____ Per Week _____ Per Month _____			

**REMINDER:**

If you intend to run for any partisan elective office, you should contact the Ethics Liaison Officer

11. Are any members of your immediate family, whether or not residing with you, and / or individuals living in the same household, connected or associated with any firm, performing services for the Department as an (1) employee of a firm, (2) owner, (3) partner, (4) corporate officer, (5) sub-contractor, (6) agent?

☐ NO ☐ YES If "YES", complete 11a, b and c for each individual fitting a category mentioned above. Attach additional sheets if required.

11a. Name and Relationship: \_\_\_\_\_

11b. Nature of Employment: \_\_\_\_\_

11c. Employer: Name: \_\_\_\_\_

Address: \_\_\_\_\_

12. Do you or any partnership or corporation in which you have an ownership interest of 1% or more have any contractual arrangements with any State agency? ☐ NO ☐ YES If "YES", indicate below contractual relationships and name of agency for which you have such a relationship. \_\_\_\_\_

13. Employee Certification:

I certify that I have completed this form, that it is correct to the best of my knowledge, and that any outside employment, business or interest referred to above will not conflict with, or infringe upon, my duties and responsibilities or any statutes, rules or provisions of the Code of Ethics or the DMAVA. I also understand that these activities will not be performed with State equipment or materials on State time and that I must not use information available to me through my employment with the Department to further my private interests or the interests of others.

I have read and received a copy of the DMAVA Departmental Directive No. 010.1 prior to signing this questionnaire.

I further understand that if my outside employment, business activity or political position is approved, I must promptly refile this form if:

- The nature of this employment, business or political position changes.
- Upon transfer to another division of the DMAVA.
- The employment, business or political interest is terminated.
- I obtain a new license or my present license is revoked or expires.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**SEND THIS FORM TO YOUR BUREAU CHIEF / DIRECTOR**

**SECTION II - RECOMMENDATIONS AND ACTIONS OF SUPERVISORY OFFICIALS**

I CERTIFY THAT BASED UPON THE INFORMATION PROVIDED ABOVE OR KNOWN TO ME FROM OTHER SOURCES, I HAVE MADE THE FOLLOWING DECISION:

\_\_\_\_\_  
Signature, Immediate Supervisor

\_\_\_\_\_  
Date

☐ No outside work reported

If outside work reported, check one of the following:

☐ No conflict, no license (explain any qualifications or restrictions)

☐ No conflict, license declared

☐ Possible conflict

☐ Interference with employee's work performance or attendance (attached detailed explanation)

\_\_\_\_\_  
Signature, Division Director

\_\_\_\_\_  
Date

**PLEASE FORWARD THIS FORM TO THE DMAVA ETHICS LIAISON OFFICER**

**SECTION III - ETHICS LIAISON OFFICER**

**ETHICS LIAISON OFFICER**

☐ Approved ☐ Referred to Ethics Committee

Comments: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
Signature - Ethics Liaison Officer

\_\_\_\_\_  
Date

**ETHICS COMMITTEE**

☐ Approved ☐ Disapproved Date \_\_\_\_\_

Recommendations: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

COPY SENT TO EXECUTIVE COMMISSION ON ETHICAL STANDARDS ON: \_\_\_\_\_ Date: \_\_\_\_\_





## REQUEST FOR ATTENDANCE AT OUTSIDE EVENTS

NAME \_\_\_\_\_ DIVISION/BUREAU \_\_\_\_\_  
 OFFICIAL TITLE \_\_\_\_\_ PHONE \_\_\_\_\_ FAX \_\_\_\_\_  
 EVENT \_\_\_\_\_  
 PURPOSE OF ATTENDANCE \_\_\_\_\_  
 SPONSOR \_\_\_\_\_  
 \*Is the Sponsor an "interested party?" YES \_\_\_\_\_ NO \_\_\_\_\_  
 EVENT LOCATION \_\_\_\_\_ DATE(s) \_\_\_\_\_  
 Overnight Accommodation required? YES \_\_\_\_\_ NO \_\_\_\_\_  
 Out-of-state travel required? YES \_\_\_\_\_ NO \_\_\_\_\_ Estimated  
 Cost \$ \_\_\_\_\_  
 NJDMAVA to pay cost? YES \_\_\_\_\_ NO \_\_\_\_\_  
 Sponsor to pay cost? Meal(s) YES \_\_\_\_\_ NO \_\_\_\_\_  
 Accommodations YES \_\_\_\_\_ NO \_\_\_\_\_  
 Travel YES \_\_\_\_\_ NO \_\_\_\_\_  
 Other (specify) \_\_\_\_\_  
 Employee to pay cost YES \_\_\_\_\_ NO \_\_\_\_\_  
 Will sponsor offer an honorarium or fee? YES \_\_\_\_\_ NO \_\_\_\_\_  
 Amount \$ \_\_\_\_\_

Attach to this form copies of any invitation, letters, agendas, etc. you have received on this event/function.

Employee's Signature \_\_\_\_\_

Supervisor's Signature \_\_\_\_\_

Date \_\_\_\_\_

Date \_\_\_\_\_

**\*(Vendor, consultant, regulated firm or organization made up of mostly vendors, consultants or regulated firms.)**

**Do Not Write Below This Line - For Ethics Liaison Officer's Use Only**

Ethics Liaison Officer's Opinion:

Purpose/Benefits to  
State by attendance

Sponsor Analysis/Costs

Recommendation  
on attendance

Signature, Ethics Officer \_\_\_\_\_

Date \_\_\_\_\_

NJDMAVA Form No. 010.1-3, 1998

APPENDIX 3

## APPENDIX 4

**NEW JERSEY DEPARTMENT OF MILITARY AND VETERANS AFFAIRS  
CODE OF ETHICS FOR VENDORS****INTRODUCTION**

The New Jersey Department of Military and Veterans Affairs considers the maintenance of public trust and confidence essential to its proper functioning, and accordingly, has adopted this Vendors' Code of Ethics. Vendors who do business with the NJDMAVA must avoid all situations where propriety or financial interests, or the opportunity for financial gain, could lead to favored treatment for any organization or individual. Vendors must also avoid circumstances and conduct which may not constitute actual wrongdoing, or a conflict of interest, but might nevertheless appear questionable to the general public, thus compromising the integrity of the Department.

This Code of Ethics shall be made part of each Request For Proposal (RFP) promulgated by the Department and be attached to every contract and agreement to which the NJDMAVA is a party. It shall be distributed to all parties who presently do business with the Department and, to the extent feasible, to all those parties anticipating doing business with the Department.

The following prohibition on vendor activities shall apply to all contracts or purchase agreements made with the State of New Jersey, pursuant to Executive Order No. 189 (1988).

**NJDMAVA Code of Ethics for Vendors**

1. No vendor\* shall pay, or agree to pay, either directly or indirectly, any fee, commission, compensation, gift, gratuity, or other thing of value of any kind to any State officer or employee or special State officer or employee, as defined by N.J.S.A.52:13D-13b and e, in the Department of Military and Veterans Affairs with which such vendor transacts or proposes to transact business, or to any member of the immediate family, as defined by N.J.S.A.52:13D-13i, of any such officer or employee, or any partnership, firm or corporation with which they are employed or associated, or in which such officer or employee has an interest within the meaning of N.J.S.A.52:13D-13g.

*NOTE: This section would permit a NJDMAVA officer or employee to accept food or refreshments of relatively low monetary value provided during the course of a meeting, conference or other occasion where the employee is properly in attendance (For example - coffee, danish, tea, or soda served during a conference break). Acceptance of unsolicited advertising or promotional material of nominal value (such as inexpensive pens, pencils, or calendars) would also be permitted. Additionally, officers or employees of the NJDMAVA will not be permitted to accept breakfasts, lunches, dinners, alcoholic beverages, tickets to entertainment and/or sporting events or any other item which could be construed as having more than nominal value. Any questions as to what is not acceptable or what constitutes proper conduct for a Department officer or employee should be referred to the Department's Ethics Liaison Officer.*

2. The solicitation of any fee, commission, compensation, gift, gratuity, or other thing of value by any State officer or employee or Special State officer or employee from any State vendor shall be reported in writing forthwith by the vendor to the Attorney General and the Executive Commission on Ethical Standards.

3. No vendor may, directly or indirectly, undertake any private business, commercial or entrepreneurial relationship with, whether or not pursuant to employment, contract or other agreement, expressed or implied, or sell any interest in such vendor to, any State officer or employee or Special State officer or employee having any duties or responsibilities in connection with the purchase, acquisition or sale of any property or services by or to any State agency or any instrumentality thereof, or with any person, firm or entity with which he or she is employed or associated in which he or she has an interest within the meaning of N.J.S.A.52:13D-13g. Any relationship subject to this provision shall be reported in writing forthwith to the Executive Commission on Ethical Standards, which may grant a waiver of this restriction upon application of the State officer or employee or special State officer or employee upon a finding that the present or proposed relationship does not present the potential, actuality or appearance of a conflict of interest.

4. No vendor shall cause or influence, or attempt to cause or influence any State officer or employee or special State officer or employee in his or her official capacity in any manner which might tend to impair the objectivity or independence of judgment of said officer or employee.

5. No vendor shall cause or influence, or attempt to cause or influence any State officer or employee or special State officer or employee to use or attempt to use his or her official position to secure any unwarranted privileges or advantages for that vendor or for any other person.

6. This Code is intended to augment, not to replace, existing Departmental Directives and the current Department Code of Ethics.

\*Vendor is defined as any person, firm, corporation, contractor or any other entity engaging in or seeking to do business with NJDMAVA.

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